

REMARKS/ARGUMENTS

These remarks are submitted in response to the Office Action dated September 10, 2007 (Office Action), and are filed concurrently with a Request for Continued Examination (RCE). The Examiner is expressly authorized to charge any incurred fees to Deposit Account 50-0951.

In the Office Action, Claims 1, 3, 5, 7, 8, 10, 12, 14, 16, and 18 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Published Patent Application No. 2004/0125142 to Mock, *et al.* (hereinafter Mock). Claims 2, 4, 6, 9, 11, 13, 15, and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mock in view of U.S. Published Patent Application No. 2005/0251748 to Gusmorino, *et al.* (hereinafter Gusmorino). Claims 1-18 were rejected under 35 U.S.C. § 112, first paragraph and second paragraph.

Although Applicants respectfully disagree with the rejections, Applicants nevertheless have amended certain claims so as to expedite prosecution of the present application by emphasizing certain aspects of the invention and avoiding the issues raised under 35 U.S.C. § 112, first paragraph and second paragraph. Applicants respectfully note, however, that the amendments are not intended as, and should not be interpreted as, the surrender of any subject matter. Accordingly, Applicants respectfully reserve the right to present the original version of any of the amended claims in any future divisional or continuation applications from the present application.

In particular, Applicants have amended independent Claims 1, 8, and 16 to further emphasize certain aspects of the invention. The claim amendments also address the issues raised under 35 U.S.C. § 112, first paragraph and second paragraph. The claim amendments, as discussed herein, are fully supported throughout the Specification. No new matter has been introduced by virtue of any of the claim amendments.

35 U.S.C. § 112

It is stated at page 2 of the Office Action that the terms "callflow development system" and "callflow development graphical user interface" are unclear and undefined in the Specification. Specifically, it is stated that the Specification mentions "callflow" development only twice. Applicants respectfully note, however, that the term "callflow" is well-known in the art. It is extensively used in various literature to denote various products, software applications, and systems, specifically, and application techniques, generally. (See, e.g., www.ibm.com/developerworks/websphere/library/techarticles/0405_gomez/0405_gomez.html.) Accordingly, the term would be readily understood by one of ordinary skill in the art.

The number of times a term is mentioned in a specification seems to Applicants to be entirely irrelevant. The issue is whether a term is well enough understood, by those of ordinary skill in the art, that a specification meets the objectives of enablement and provides adequate notice to the public of that which an applicant considers to be the invention. All terms in a specification must be read in context, and the invention considered as a whole. Applicants respectfully maintain that when properly read in the context of the instant Specification, these terms would be readily understood to denote systems and related methods for developing a callflow application. Nonetheless, Applicants have avoided using the terms in the claims. Applicants, accordingly, respectfully request the withdrawal of the rejections under 35 U.S.C. § 112.

Claim Amendments

As amended, independent claims 1, 8, and 16 emphasize a certain aspect of the invention. This aspect of the invention is the systems, methods, and computer products that provide for the presentment of grammar files in such a manner as to mitigate clutter and enhance the clarity of the presentment to an application designer. (See, e.g.,

Specification, paragraph [0033], lines 1-6.) In order to perform this function, a system or method according to this aspect of the invention entails searching among multiple files in order to make a distinction between two distinct types of files. (See, e.g., Specification, paragraph [0043]. Specifically, as the claims expressly recite in independent Claims 1, 8, and 16, a search is performed so as to distinguish between those files that contain built-in grammars, each defining a built-in grammar file, and those files that contain user-defined grammars, each defining a user-defined grammar file.

The Claims Define Over

As already noted, Claims 1, 8, and 16 were each rejected as being anticipated by Mock. Mock is directed to organizing and displaying a multiple-user database so as to make the display appear as a "single user calendar." (See Mock, paragraph [0017].)

Applicants firstly note that Mock explicitly states that every displayed calendar event is organized by a user, and it is each user who creates associations among categories:

Each calendar event is organized by its user such as mother, father, son or daughter and its category, such as, self, family, and work. The present invention allows a user to create his or her own associations with other users within the same categories as well as allowing to create associations among the categories. Calendar events from multiple users are collected into a single device. Desired calendar events, identified by the corresponding user (mother, father, son or daughter), category (work, family and self), and the user's association with other users within each category, are displayed with various visual attributes to differentiate

calendar events belonging to different users. (Mock, paragraph [0017], lines 6-17.) (Emphasis supplied.)

Accordingly, each event and every association between events is provided by a user, not the system. It follows, therefore, that Mock does not even contemplate searching among files to distinguish those supplied by users from those that are supplied by the system; that is, ones that are built-in. It further follows that even if an event could be viewed as the equivalent of a file containing grammars, all of the event/files are supplied by a user. None are built in to the system.

The fact that Mock does not even contemplate built-in event/files obviates even the suggestion that Mock provides a mechanism for distinguishing between user-supplied event/files and built-in event/files. Accordingly, Mock does not provide any teaching pertaining to searching among multiple event/files in order to distinguish those that are built-in, or system supplied, from those that are supplied by a user. As explicitly described in the reference, all event files in Mock are those that are organized by the users. Mock, therefore, does not expressly or inherently teach searching among a plurality of files and distinguishing between those files that contain built-in grammars, each defining a built-in grammar file, and those files that contain user-defined grammars, each defining a user-defined grammar file, as recited in Claims 1, 8, and 16.

Accordingly, Mock fails to teach, expressly or inherently, every feature recited in Claims 1, 8, and 16. Applicants respectfully submit, therefore, that Claims 1, 8, and 16 define over the prior art. Applicants further respectfully submit that, whereas each of the remaining claims depends from Claim Claims 1, 8, or 16 while reciting additional features, each of the dependent claims likewise defines over the prior art.

MPEP 2106 Is Misapplied

At page 5 of the Office Action is stated that the limitation of presenting elements as a sequential list "represents nonfunctional descriptive material and holds no patentable weight," citing MPEP 2106.01. The list is said to be a "compilation or mere arrangement of data."

Applicants respectfully point to that portion of the MPEP that immediately follows the language quoted in the Office Action. This portion specifically states that:

"Both types of "descriptive material" are nonstatutory when claimed as descriptive material *per se*." (Citation omitted.) (Emphasis supplied.)

Applicants respectfully maintain that the sequential list is *not* claimed. The methods and systems for generating and *displaying* such a list. If the subject matter that is generated by a system or method were to determine patentability, then many inventions have been improperly granted patents. Indeed, perhaps most telling in the present context, Mock's system to present calendar events would not be patentable. An audio device can render music, and a visual device can render works of literature. Nonetheless, a system that enhances the quality of the music rendered is patentable, as is a device that displays images more clearly, provided each the other requirements of patentability are satisfied.

The MPEP makes explicit that when the subject matter – be it literary works, music, or arrangements of data – are not claimed *per se*, then the nature of the subject matter is not pertinent to the issue of patentability. Applicants are not claiming an arrangement of data, they are claiming systems and methods for presenting data. Thus, they are claiming "acts" and the systems for carrying out

the "acts." Applicants respectfully submit, therefore, that MPEP 2106.01 is not applicable.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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